



## DISCUSSION

Plaintiff timely filed its “Amended Class Action Complaint” (Document No. 50) (the “Amended Complaint”) on July 31, 2024, in response to “Defendants’ Motion To Dismiss Plaintiff’s Complaint” (Document No. 44) filed on July 3, 2024. See (Document No. 49).

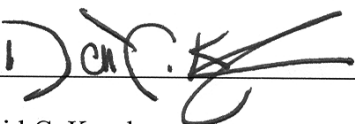
The Amended Complaint (Document No. 50) supersedes the original Complaint (Document No. 1). See Young v. City of Mount Ranier, 238 F.3d 567, 573 (4th Cir. 2001) (“The general rule ... is that an amended pleading supersedes the original pleading, rendering the original pleading of no effect.”); see also, Fawzy v. Wauquiez Boats SNC, 873 F.3d 451, 455 (4th Cir. 2017) (“Because a properly filed amended complaint supersedes the original one and becomes the operative complaint in the case, it renders the original complaint ‘of no effect.’”); Colin v. Marconi Commerce Systems Employees’ Retirement Plan, 335 F.Supp.2d 590, 614 (M.D.N.C. 2004) (“Earlier motions made by Defendants were filed prior to and have been rendered moot by Plaintiffs’ filing of the Second Amended Complaint”); Brown v. Sikora and Associates, Inc., 311 Fed.Appx. 568, 572 (4th Cir. Apr. 16, 2008); and Atlantic Skanska, Inc. v. City of Charlotte, 3:07-CV-266-FDW, 2007 WL 3224985 at \*4 (W.D.N.C. Oct. 30, 2007).

To the extent Defendants contends the Amended Complaint is deficient, this Order is without prejudice to Defendants filing a renewed motion to dismiss the Amended Complaint.

**IT IS, THEREFORE, ORDERED** that on “Defendants’ Motion To Dismiss Plaintiff’s Complaint” (Document No. 44) is **DENIED AS MOOT**.

**SO ORDERED.**

Signed: August 1, 2024

  
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David C. Keesler  
United States Magistrate Judge

